

CHAPTER 152: CONTROL OF EMISSIONS OF VOLATILE ORGANIC COMPOUNDS FROM CONSUMER PRODUCTS

SUMMARY: This regulation limits emissions of volatile organic compounds from consumer products by establishing emission limits for consumer product source categories.

1. **Applicability.** Except as provided in Section 4 of this Chapter, this regulation shall apply to any person in the State of Maine who sells, supplies for use in Maine, offers for sale, or manufactures consumer products.

2. **Definitions.**

A. General Definitions

(1) ACP agreement. “ACP agreement” means the document signed by the CARB (or other state) which includes the conditions and requirements of the ACP, and which allows manufacturers to sell ACP products in Maine pursuant to the requirements of this regulation.

(2) ACP product. “ACP Product” means any “consumer product” subject to the VOC standards specified in Section 3(A) of this Chapter, except those products that have been exempted under Section 4 of this Chapter, or exempted as Innovative Products under Section 5 of this Chapter.

(3) Agricultural use. “Agricultural use” means the use of any pesticide or method or device for the control of pests in connection with the commercial production, storage or processing of any animal or plant crop. “Agricultural Use” does not include the sale or use of pesticides in properly labeled packages or containers which are intended for: (a) Home use, (b) Use in structural pest control, (c) Industrial or (d) Institutional use. For the purposes of this definition only:

(a) Home use. Means use in a household or its immediate environment.

(b) Structural pest control. Means a use requiring a license under 01-026 CMR Chapters 10, 31, 32, and 35.

(c) Industrial use. Means use for or in a manufacturing, mining, or chemical process or use in the operation of factories, processing plants,

and similar sites.

(d) *Institutional use.* Means use within the lines of, or on property necessary for the operation of buildings such as hospitals, schools, libraries, auditoriums, and office complexes.

(4) All other carbon-containing compounds. “All other carbon-containing compounds” means all other compounds which contain at least one carbon atom and are not an “Exempt Compound” or a “LVP-VOC.”

(5) All other forms. “All other forms” means all consumer product forms for which no form-specific VOC standard is specified. Unless specified otherwise by the applicable VOC standard, “all other forms” include, but are not limited to, solids, liquids, wicks, powders, crystals, and cloth or paper wipes (towelettes).

(6) Alternative control plan or ACP. “Alternative control plan or ACP” means any emissions averaging program approved by the Department pursuant to the provisions of this regulation.

(7) ASTM. “ASTM” means the American Society for Testing and Materials.

(8) CARB. “CARB” means the California Air Resources Board.

(9) Chemical Abstract Services (CAS) Number. “Chemical Abstract Services number” means a unique identifier for chemical substances in the Chemical Abstract Services Registry of the American Chemical Society.

(10) Colorant. “Colorant” means any pigment or coloring material used in a consumer product for an aesthetic effect, or to dramatize an ingredient.

(11) Consumer. “Consumer” means any person who purchases, or acquires any consumer product for personal, family, household, or institutional use. Persons acquiring a consumer product for resale are not “consumers” for that product.

(12) Consumer product. “Consumer product” means a chemically formulated product used by household and institutional consumers including, but not limited to, detergents; cleaning compounds; polishes; floor finishes; cosmetics; personal care products; home, lawn, and garden products; disinfectants; sanitizers; aerosol paints; and automotive specialty

products; but does not include other paint products, furniture coatings, or architectural coatings.

(13) Container/packaging. “Container/packaging” means the part or parts of the consumer or institutional product which serve only to contain, enclose, incorporate, deliver, dispense, wrap or store the chemically formulated substance or mixture of substances which is solely responsible for accomplishing the purposes for which the product was designed or intended. “Container/packaging” includes any article onto or into which the principal display panel and other accompanying literature or graphics are incorporated, etched, printed or attached.

(14) Contact person. “Contact person” means a representative(s) that has been designated by the responsible ACP party for the purpose of reporting or maintaining any information specified in the ACP Agreement approving an ACP.

(15) Date-code. “Date-code” means the day, month and year on which the consumer product was manufactured, filled, or packaged, or a code indicating such a date.

(16) Device. “Device” means any instrument or contrivance (other than a firearm) which is designed for trapping, destroying, repelling, or mitigating any pest or any other form of plant or animal life (other than man and other than bacteria, virus, or other microorganism on or in living man or other living animals); but not including equipment used for the application of pesticides when sold separately therefrom.

(17) Distributor. “Distributor” means any person to whom a consumer product is sold or supplied for the purposes of resale or distribution in commerce, except that manufacturers, retailers, and consumers are not distributors.

(18) Exempt compound. “Exempt Compound” means any carbon-containing compound listed as an exception to the definition of VOC in Chapter 100 of the Department’s regulations.

(19) Flexible flooring material. “Flexible flooring material” means asphalt, cork, linoleum, no-wax, rubber, seamless vinyl and vinyl composite flooring.

(20) High volatility organic compound (HVOC). “High volatility organic compound (HVOC)” means any volatile organic compound that

exerts a vapor pressure greater than 80 millimeters of Mercury (mm Hg) when measured at 20°C.

(21) Label. “Label” means any written, printed, or graphic matter affixed to, applied to, attached to, blown into, formed, molded into, embossed on, or appearing upon any consumer product or consumer product package, for purposes of branding, identifying, or giving information with respect to the product or to the contents of the package.

(22) Liquid. “Liquid” means a substance or mixture of substances which is capable of a visually detectable flow as determined under ASTM D4359-90 (2000), incorporated by reference in 9(B). “Liquid” does not include powders or other materials that are composed entirely of solid particles.

(23) Lubricant. “Lubricant” means a product designed to reduce friction, heat, noise, or wear between moving parts, or to loosen rusted or immovable parts or mechanisms. “Lubricant” does not include automotive power steering fluids; products for use inside power generating motors, engines, and turbines, and their associated power-transfer gearboxes; two cycle oils or other products designed to be added to fuels; products for use on the human body or animals or products that are (1) sold exclusively to establishments which manufacture or construct goods or commodities, and (2) labeled “not for retail sale.”

(24) LVP content. “LVP Content” means the total weight, in pounds, of LVP compounds in an ACP product multiplied by 100 and divided by the product's total net weight (in pounds, excluding container and packaging), expressed to the nearest 0.1.

(25) LVP-VOC. “LVP-VOC” means a chemical “compound” or “mixture” that contains at least one carbon atom and meets one of the following:

- (a) has a vapor pressure less than 0.1 mm Hg at 20°C, as determined by CARB Method 310, incorporated by reference in 9(A)(1) of this regulation; or
- (b) is a chemical “compound” with more than 12 carbon atoms, or a chemical “mixture” comprised solely of “compounds” with more than 12 carbon atoms, and the vapor pressure is unknown; or
- (c) is a chemical “compound” with a boiling point greater than 216°C, as determined by CARB Method 310, incorporated by reference in 9(A)(1) of this regulation; or
- (d) is the weight percent of a chemical “mixture” that boils above 216°C,

as determined by CARB Method 310, incorporated by reference in 9(A)(1) of this regulation.

For the purposes of the definition of LVP-VOC, chemical “compound” means a molecule of definite chemical formula and isomeric structure, and chemical “mixture” means a substrate comprised of two or more chemical “compounds.”

(26) Maine sales. “Maine sales” means the sales (net pounds of product, less packaging and container, per year) in Maine for either the calendar year immediately prior to the year that the Department requests the information or, if that data is not available, any consecutive 12 month period commencing no earlier than 2 years prior to the due date of the reporting. If direct sales data for Maine is not available, sales may be estimated by prorating national or regional sales data by population.

(27) Manufacturer. “Manufacturer” means any person who imports, manufactures, assembles, produces, packages, repackages, or relabels a consumer product.

(28) Medium volatility organic compound (MVOC). “Medium volatility organic compound (MVOC)” means any volatile organic compound that exerts a vapor pressure greater than 2 mm Hg and less than or equal to 80 mm Hg when measured at 20°C.

(29) Non-carbon containing compound. “Non-carbon containing compound” means any compound which does not contain any carbon atoms.

(30) Nonresilient flooring. “Nonresilient flooring” means flooring of a mineral content which is not flexible. “Nonresilient flooring” includes terrazzo, marble, slate, granite, brick, stone, ceramic tile and concrete.

(31) Principal display panel or panels. “Principal display panel or panels” means that part, or those parts of a label that are so designed as to most likely be displayed, presented, shown or examined under normal and customary conditions of display or purchase. Whenever a principal display panel appears more than once, all requirements pertaining to the “principal display panel” shall pertain to all such “principal display panels.”

(32) Product brand name. “Product brand name” means the name of the product exactly as it appears on the principal display panel of the product.

(33) Product category. “Product category” means the applicable category which best describes the product as listed in this section.

(34) Product line. “Product line” means a group of products of identical form and function belonging to the same product category(ies).

(35) Propellant. “Propellant” means a liquefied or compressed gas that is used in whole or in part, such as a cosolvent, to expel a liquid or any other material from the same self-pressurized container or from a separate container.

(36) Pump spray. “Pump spray” means a packaging system in which the product ingredients within the container are not under pressure and in which the product is expelled only while a pumping action is applied to a button, trigger or other actuator.

(37) Reconcile or reconciliation. “Reconcile or reconciliation” means to provide sufficient VOC emission reductions to completely offset any shortfalls generated under the ACP during an applicable compliance period.

(38) Responsible party. “Responsible party” means the company, firm or establishment which is listed on the product's label. If the label lists two companies, firms or establishments, the responsible party is the party which the product was “manufactured for” or “distributed by,” as noted on the label.

(39) Restricted materials. “Restricted materials” means pesticides established as restricted materials under 01-026 CMR Chapter 40.

(40) Retailer. “Retailer” means any person who sells, supplies, or offers consumer products for sale directly to consumers.

(41) Retail outlet. “Retail outlet” means any establishment at which consumer products are sold, supplied, or offered for sale directly to consumers.

(42) Semisolid. “Semisolid” means a product that, at room temperature, will not pour, but will spread or deform easily, including gels, pastes, and greases.

(43) Solid. “Solid” means a substance or mixture of substances which, either whole or subdivided (such as the particles comprising a powder), is

not capable of visually detectable flow as determined under ASTM D4359-90 (2000), incorporated by reference in 9(B).

(44) Usage directions. “Usage directions” means text or graphics on the product's principal display panel, label, or accompanying literature which describes to the end user how and in what quantity the product is to be used.

(45) VOC content. “VOC Content” means, except for charcoal lighter products, the total weight of VOC in a product expressed as a percentage of the product weight exclusive of the container or packaging), as determined pursuant to Sections 9 (a) and (b).

For charcoal lighter material products only,

$$VOC\ Content = \frac{(Certified\ Emissions \times 100)}{Certified\ Use\ Rate}$$

Certified Emissions = the emissions level for products approved by the Department under Section 3(E), as determined pursuant to South Coast Air Quality Management District Rule 1174 Ignition Method Compliance Certification Protocol (Feb. 27, 1991), incorporated by reference in Section 3(E)(2)(a) of this regulation, expressed to the nearest 0.001 pound CH₂ per start.

Certified Use Rate = the usage level for products approved by the Department under Section 3(E), as determined pursuant to South Coast Air Quality Management District Rule 1174 Ignition Method Compliance Certification Protocol (Feb. 27, 1991), incorporated by reference in Section 3(E)(2)(a) of this regulation, expressed to the nearest 0.001 pound certified product used per start.

(46) Working day. “Working day” means any day between Monday through Friday, inclusive, except for days that are federal holidays.

B. Product Definitions

(1) Adhesive. “Adhesive” means any product that is used to bond one surface to another by attachment. “Adhesive” does not include products used on humans and animals, adhesive tape, contact paper, wallpaper, shelf liners, or any other product with an adhesive incorporated onto or in an inert substrate. For “Contact Adhesive,” “Construction, Panel, and Floor Covering Adhesive,” and “General Purpose Adhesive” only,

“adhesive” also does not include units of product, less packaging, which consist of more than one gallon. This limitation does not apply to aerosol adhesives.

(2) Adhesive remover. “Adhesive remover” means a product designed exclusively for the removal of adhesives, caulk and other bonding materials from either a specific substrate or a variety of substrates.

(3) Aerosol adhesive. “Aerosol adhesive” means an aerosol product in which the spray mechanism is permanently housed in a nonrefillable can designed for hand-held application without the need for ancillary hoses or spray equipment.

(4) Aerosol cooking spray. “Aerosol cooking spray” means any aerosol product designed either to reduce sticking on cooking and baking surfaces or to be applied on food, or both.

(5) Aerosol product. “Aerosol product” means a pressurized spray system that dispenses product ingredients by means of a propellant or mechanically induced force. “Aerosol product” does not include pump sprays.

(6) Air freshener. “Air freshener” means any consumer product including, but not limited to, sprays, wicks, powders, and crystals, designed for the purpose of masking odors, or freshening, cleaning, scenting, or deodorizing the air. “Air Freshener” does not include products that are used on the human body, products that function primarily as cleaning products, disinfectant products claiming to deodorize by killing germs on surfaces, or institutional/industrial disinfectants when offered for sale solely through institutional and industrial channels of distribution. “Air Freshener” does include spray disinfectants and other products that are expressly represented for use as air fresheners, except institutional and industrial disinfectants when offered for sale through institutional and industrial channels of distribution. To determine whether a product is an air freshener, all verbal and visual representations regarding product use on the label or packaging and in the product's literature and advertising may be considered. The presence of, and representations about, a product's fragrance and ability to deodorize (resulting from surface application) shall not constitute a claim of air freshening.

(7) Antimicrobial hand or body cleaner or soap. “Antimicrobial hand or body cleaner or soap” means a cleaner or soap which is designed to

reduce the level of microorganisms on the skin through germicidal activity. “Antimicrobial Hand or Body Cleaner or Soap” includes, but is not limited to:

- (a) antimicrobial hand or body washes/cleaners,
- (b) foodhandler hand washes,
- (c) healthcare personnel hand washes,
- (d) pre-operative skin preparations, and
- (e) surgical scrubs.

“Antimicrobial hand or body cleaner or soap” does not include prescription drug products, antiperspirants, “astringent/toner,” deodorant, “facial cleaner or soap,” “general-use hand or body cleaner or soap,” “hand dishwashing detergent” (including antimicrobial), “heavy-duty hand cleaner or soap,” “medicated astringent/medicated toner,” and “rubbing alcohol.”

(8) Antiperspirant. “Antiperspirant” means any product including, but not limited to, aerosols, roll-ons, sticks, pumps, pads, creams, and squeeze-bottles, that is intended by the manufacturer to be used to reduce perspiration in the human axilla by at least 20 percent in at least 50 percent of a target population.

(9) Architectural coating. “Architectural coating” means a coating applied to stationary structures and their appurtenances, to mobile homes, to pavements, or to curbs.

(10) Astringent/toner. “Astringent/Toner” means any product not regulated as a drug by the United States Food and Drug Administration (FDA) which is applied to the skin for the purpose of cleaning or tightening pores. This category also includes clarifiers and substrate-impregnated products. This category does not include any hand, face, or body cleaner or soap product, “medicated astringent/medicated toner,” cold cream, lotion, or antiperspirant.

(11) Automotive brake cleaner. “Automotive brake cleaner” means a cleaning product designed to remove oil, grease, brake fluid, brake pad material or dirt from motor vehicle brake mechanisms.

(12) Automotive hard paste wax. “Automotive hard paste wax” means an automotive wax or polish which is:

- (a) designed to protect and improve the appearance of automotive paint surfaces;
- (b) a solid at room temperature; and

(c) contains 0% water by formulation.

(13) Automotive instant detailer. “Automotive instant detailer” means a product designed for use in a pump spray that is applied to the painted surface of automobiles and wiped off prior to the product being allowed to dry.

(14) Automotive rubbing or polishing compound. “Automotive Rubbing or Polishing Compound” means a product designed primarily to remove oxidation, old paint, scratches or “swirl marks,” and other defects from the painted surfaces of motor vehicles without leaving a protective barrier.

(15) Automotive wax, polish, sealant or glaze. “Automotive Wax, Polish, Sealant or Glaze” means a product designed to seal out moisture, increase gloss, or otherwise enhance a motor vehicle’s painted surfaces. “Automotive Wax, Polish, Sealant or Glaze” includes, but is not limited to, products designed for use in autobody repair shops and “drive-through” car washes, as well as products designed for the general public. “Automotive Wax, Polish, Sealant or Glaze” does not include “Automotive Rubbing or Polishing Compounds,” automotive wash and wax products, surfactant-containing car wash products, and products designed for use on unpainted surfaces such as bare metal, chrome, glass, or plastic.

(16) Automotive windshield washer fluid. “Automotive windshield washer fluid” means any liquid designed for use in a motor vehicle windshield washer system either as an antifreeze or for the purpose of cleaning, washing, or wetting the windshield. “Automotive windshield washer fluid” does not include fluids placed by the manufacturer in a new vehicle.

(17) Bathroom and tile cleaner. “Bathroom and tile cleaner” means a product designed to clean tile or surfaces in bathrooms. “Bathroom and Tile Cleaner” does not include products specifically designed to clean toilet bowls or toilet tanks.

(18) Bug and tar remover. “Bug and tar remover” means a product designed to remove either or both of the following from painted motor vehicle surfaces without causing damage to the finish:

- (a) biological-type residues such as insect carcasses and tree sap, and
- (b) road grime such as road tar, roadway paint markings, and asphalt.

(19) Carburetor or fuel-injection air intake cleaners. “Carburetor or Fuel-Injection Air Intake Cleaners” means a product designed to remove fuel deposits, dirt, or other contaminants from a carburetor, choke, throttle body of a fuel-injection system, or associated linkages. “Carburetor or fuel-injection air intake cleaners” does not include products designed exclusively to be introduced directly into the fuel lines or fuel storage tank prior to introduction into the carburetor or fuel injectors.

(20) Carpet and upholstery cleaner. “Carpet and upholstery cleaner” means a cleaning product designed for the purpose of eliminating dirt and stains on rugs, carpeting, and the interior of motor vehicles and/or on household furniture or objects upholstered or covered with fabrics such as wool, cotton, nylon or other synthetic fabrics. “Carpet and upholstery cleaner” includes, but is not limited to, products that make fabric protectant claims. “Carpet and upholstery cleaner” does not include “general purpose cleaners,” “spot removers,” vinyl or leather cleaners, dry cleaning fluids, or products designed exclusively for use at industrial facilities engaged in furniture or carpet manufacturing.

(21) Charcoal lighter material. “Charcoal lighter material” means any combustible material designed to be applied on, incorporated in, added to, or used with charcoal to enhance ignition. “Charcoal lighter material” does not include any of the following: electrical starters and probes, metallic cylinders using paper tinder, natural gas, propane, and fat wood.

(22) Construction, panel, and floor covering adhesive. “Construction, panel, and floor covering adhesive” means any one-component adhesive that is designed exclusively for the installation, remodeling, maintenance, or repair of:

- (a) structural and building components that include, but are not limited to, beams, trusses, studs, paneling (drywall or drywall laminates, fiberglass reinforced plastic (FRP), plywood, particle board, insulation board, pre-decorated hardboard or tileboard, etc.), ceiling and acoustical tile, molding, fixtures, countertops or countertop laminates, cove or wall bases, and flooring or subflooring; or
- (b) floor or wall coverings that include, but are not limited to, wood or simulated wood covering, carpet, carpet pad or cushion, vinyl-backed carpet, flexible flooring material, nonresilient flooring material, mirror tiles and other types of tiles, and artificial grass. “Construction, panel, and floor covering adhesive” does not include “floor seam sealer.”

(23) Contact adhesive. “Contact adhesive” means an adhesive that:

- (a) is designed for application to both surfaces to be bonded together,

- (b) is allowed to dry before the two surfaces are placed in contact with each other,
- (c) forms an immediate bond that is impossible, or difficult, to reposition after both adhesive-coated surfaces are placed in contact with each other, and
- (d) does not need sustained pressure or clamping of surfaces after the adhesive-coated surfaces have been brought together using sufficient momentary pressure to establish full contact between both surfaces. “Contact Adhesive” does not include rubber cements that are primarily intended for use on paper substrates.

(24) Crawling bug insecticide. “Crawling bug insecticide” means any insecticide product that is designed for use against ants, cockroaches, or other household crawling arthropods, including, but not limited to, mites, silverfish or spiders. “Crawling bug insecticide” does not include products designed to be used exclusively on humans or animals, or any house dust mite product. For the purposes of this definition only:

- (a) “House dust mite product” means a product whose label, packaging, or accompanying literature states that the product is suitable for use against house dust mites, but does not indicate that the product is suitable for use against ants, cockroaches, or other household crawling arthropods.
- (b) “House dust mite” means mites which feed primarily on skin cells shed in the home by humans and pets and which belong to the phylum Arthropoda, the subphylum Chelicerata, the class Arachnida, the subclass Acari, the order Astigmata, and the family Pyroglyphidae.

(25) Deodorant. “Deodorant” means any product including, but not limited to, aerosols, roll-ons, sticks, pumps, pads, creams, and squeeze-bottles, that is intended by the manufacturer to be used to minimize odor in the human axilla by retarding the growth of bacteria which cause the decomposition of perspiration.

(26) Disinfectant. “Disinfectant” means any product intended to destroy or irreversibly inactivate infectious or other undesirable bacteria, pathogenic fungi, or viruses on surfaces or inanimate objects and whose label is registered under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA, 7 U.S.C. 136, et seq.). “Disinfectant” does not include any of the following:

- (a) products designed solely for use on human or animals,
- (b) products designed for agricultural use,
- (c) products designed solely for use in swimming pools, therapeutic tubs, or hot tubs,

- (d) products which, as indicated on the principal display panel or label, are designed primarily for use as bathroom and tile cleaners, glass cleaners, general purpose cleaners, toilet bowl cleaners, or metal polishes.

(27) Double phase aerosol air freshener. “Double phase aerosol air freshener” means an aerosol air freshener with the liquid contents in two or more distinct phases that requires the product container be shaken before use to mix the phases, producing an emulsion.

(28) Dry cleaning fluid. “Dry cleaning fluid” means any non-aqueous liquid product designed and labeled exclusively for use on:

- (a) fabrics which are labeled “for dry clean only,” such as clothing or drapery; or
- (b) “S-coded” fabrics. “Dry cleaning fluid” includes, but is not limited to, those products used by commercial dry cleaners and commercial businesses that clean fabrics such as draperies at the customer’s residence or work place. “dry cleaning fluid” does not include “spot remover” or “carpet and upholstery cleaner.” For the purposes of this definition, S-coded fabric means an upholstery fabric designed to be cleaned only with water-free spot cleaning products as specified by the Joint Industry Fabric Standards Committee.”

(29) Dusting aid. “Dusting aid” means a product designed to assist in removing dust and other soils from floors and other surfaces without leaving a wax or silicone based coating. “Dusting Aid” does not include products which consist entirely of compressed gases for use in electronic or other specialty areas.

(30) Electronic cleaner. “Electronic cleaner” means a product designed specifically for the removal of dirt, grease or grime from electrical equipment such as electric motors, circuit boards, electricity panels, and generators.

(31) Engine degreaser. “Engine degreaser” means a cleaning product designed to remove grease, grime, oil and other contaminants from the external surfaces of engines and other mechanical parts.

(32) Fabric protectant. “Fabric protectant” means a product designed to be applied to fabric substrates to protect the surface from soiling from dirt and other impurities or to reduce absorption of liquid into the fabric's fibers. “Fabric protectant” does not include waterproofers, products designed for use solely on leather, or products designed for use solely on

fabrics which are labeled “for dry clean only” and sold in containers of 10 fluid ounces or less.

(33) Facial cleaner or soap. “Facial cleaner or soap” means a cleaner or soap designed primarily to clean the face. “Facial cleaner or soap” includes, but is not limited to, facial cleansing creams, gels, liquids, lotions, and substrate-impregnated forms. “Facial cleaner or soap” does not include prescription drug products, “antimicrobial hand or body cleaner or soap,” “astringent/toner,” “general-use hand or body cleaner or soap,” “medicated astringent/medicated toner,” or “rubbing alcohol.”

(34) Fat Wood. “Fat Wood” means pieces of wood kindling with high naturally-occurring levels of sap or resin which enhance ignition of the kindling. “Fat wood” does not include any kindling with substances added to enhance flammability, such as wax-covered or wax-impregnated wood-based products.

(35) Flea and tick insecticide. “Flea and tick insecticide” means any insecticide product that is designed for use against fleas, ticks, their larvae, or their eggs. “Flea and tick insecticide” does not include products that are designed to be used exclusively on humans or animals and their bedding.

(36) Floor polish or wax. “Floor polish or wax” means a wax, polish, or any other product designed to polish, protect, or enhance floor surfaces by leaving a protective coating that is designed to be periodically replenished. “Floor polish or wax” does not include “spray buff products,” products designed solely for the purpose of cleaning floors, floor finish strippers, products designed for unfinished wood floors, and coatings subject to architectural coatings regulations.

(37) Floor seam sealer. “Floor seam sealer” means any product designed and labeled exclusively for bonding, fusing, or sealing (coating) seams between adjoining rolls of installed flexible sheet flooring.

(38) Floor wax stripper. “Floor wax stripper” means a product designed to remove natural or synthetic floor polishes or waxes through breakdown of the polish or wax polymers, or by dissolving or emulsifying the polish or wax. “Floor wax stripper” does not include aerosol floor wax strippers or products designed to remove floor wax solely through abrasion.

(39) Flying bug insecticide. “Flying bug insecticide” means any insecticide product that is designed for use against flying insects or other flying arthropods, including but not limited to flies, mosquitoes, moths, or

gnats. “Flying bug insecticide” does not include “wasp and hornet insecticide,” products that are designed to be used exclusively on humans or animals, or any mothproofing product. For the purposes of this definition only, “moth-proofing product” means a product whose label, packaging, or accompanying literature indicates that the product is designed to protect fabrics from damage by moths, but does not indicate that the product is suitable for use against flying insects or other flying arthropods.

(40) Fragrance. “Fragrance” means a substance or complex mixture of aroma chemicals, natural essential oils, and other functional components, the sole purpose of which is to impart an odor or scent, or to counteract a malodor.

(41) Furniture coating. “Furniture coating” means any paint designed for application to room furnishings including, but not limited to, cabinets (kitchen, bath and vanity), tables, chairs, beds, and sofas.

(42) Furniture maintenance product. “Furniture maintenance product” means a wax, polish, conditioner, or any other product designed for the purpose of polishing, protecting or enhancing finished wood surfaces other than floors. “Furniture maintenance product” does not include dusting aids, products designed solely for the purpose of cleaning, and products designed to leave a permanent finish such as stains, sanding sealers and lacquers.

(43) Gel. “Gel” means a colloid in which the disperse phase has combined with the continuous phase to produce a semisolid material, such as jelly.

(44) General purpose adhesive. “General purpose adhesive” means any non-aerosol adhesive designed for use on a variety of substrates. “General purpose adhesive” does not include:

- (a) contact adhesives,
- (b) construction, panel, and floor covering adhesives,
- (c) adhesives designed exclusively for application on one specific category of substrates (i.e., substrates that are composed of similar materials, such as different types of metals, paper products, ceramics, plastics, rubbers, or vinyls), or
- (d) adhesives designed exclusively for use on one specific category of articles (i.e., articles that may be composed of different materials but perform a specific function, such as gaskets, automotive trim, weather-stripping, or carpets).

(45) General purpose cleaner. “General purpose cleaner” means a product designed for general all-purpose cleaning, in contrast to cleaning products designed to clean specific substrates in certain situations. “General Purpose Cleaner” includes products designed for general floor cleaning, kitchen or countertop cleaning, and cleaners designed to be used on a variety of hard surfaces and does not include general purpose degreasers and electronic cleaners.

(46) General purpose degreaser. “General purpose degreaser” means any product designed to remove or dissolve grease, grime, oil and other oil-based contaminants from a variety of substrates, including automotive or miscellaneous metallic parts. “General purpose degreaser” does not include “engine degreaser,” “general purpose cleaner,” “adhesive remover,” “electronic cleaner,” “metal polish/cleanser,” products used exclusively in “solvent cleaning tanks or related equipment,” or products that are sold exclusively to establishments which manufacture or construct goods or commodities; and labeled “not for retail sale.” “Solvent cleaning tanks or related equipment” includes, but is not limited to, cold cleaners, vapor degreasers, conveyORIZED degreasers, film cleaning machines, or products designed to clean miscellaneous metallic parts by immersion in a container.

(47) General-use hand or body cleaner or soap. “General-use hand or body cleaner or soap” means a cleaner or soap designed to be used routinely on the skin to clean or remove typical or common dirt and soils. “General-use hand or body cleaner or soap” includes, but is not limited to, hand or body washes, dual-purpose shampoo-body cleaners, shower or bath gels, and moisturizing cleaners or soaps. “General-use hand or body cleaner or soap” does not include prescription drug products, “antimicrobial hand or body cleaner or soap,” “astringent/toner,” “facial cleaner or soap,” “hand dishwashing detergent” (including antimicrobial), “heavy-duty hand cleaner or soap,” “medicated astringent/medicated toner,” or “rubbing alcohol.”

(48) Glass cleaner. “Glass cleaner” means a cleaning product designed primarily for cleaning surfaces made of glass. Glass cleaner does not include products designed solely for the purpose of cleaning optical materials used in eyeglasses, photographic equipment, scientific equipment and photocopying machines.

(49) Hair mousse. “Hair mousse” means a hairstyling foam designed to facilitate styling of a coiffure and provide limited holding power.

(50) Hair shine. “Hair shine” Means any product designed for the primary purpose of creating a shine when applied to the hair. “Hair shine” includes, but is not limited to, dual-use products designed primarily to impart a sheen to the hair. “Hair shine” does not include “hair spray,” “hair mousse,” “hair styling gel” or spray gel, or products whose primary purpose is to condition or hold the hair.

(51) Hairspray. “Hair spray” means a consumer product designed primarily for the purpose of dispensing droplets of a resin on and into a hair coiffure which will impart sufficient rigidity to the coiffure to establish or retain the style for a period of time.

(52) Hair styling gel. “Hair styling gel” means a high viscosity, often gelatinous, product that contains a resin and is designed for the application to hair to aid in styling and sculpting of the hair coiffure.

(53) Heavy-duty hand cleaner or soap. “Heavy-duty hand cleaner or soap” means a product designed to clean or remove difficult dirt and soils such as oil, grease, grime, tar, shellac, putty, printer’s ink, paint, graphite, cement, carbon, asphalt, or adhesives from the hand with or without the use of water. “Heavy-duty hand cleaner or soap” does not include prescription drug products, “antimicrobial hand or body cleaner or soap,” “astringent/toner,” “facial cleaner or soap,” “general-use hand or body cleaner or soap,” “medicated astringent/medicated toner” or “rubbing alcohol.”

(54) Herbicide. “Herbicide” means a pesticide product designed to kill or retard a plant’s growth, but excludes products that are:

- (a) for agricultural use, or
- (b) restricted materials that require a permit for use and possession.

(55) Household product. “Household product” means any consumer product that is primarily designed to be used inside or outside of living quarters or residences that are occupied or intended for occupation by individuals, including the immediate surroundings.

(56) Insecticide. “Insecticide” means a pesticide product that is designed for use against insects or other arthropods, but excluding products that are:

- (a) for agricultural use, or
- (b) for a use which requires a structural pest control license under 01-026 CMR Chapter 10, 31, 32, and 35, or
- (c) restricted materials that require a permit for use and possession.

(57) Insecticide fogger. “Insecticide fogger” means any insecticide product designed to emit all or most of its content, as a fog or mist, into indoor areas during a single application.

(58) Institutional Product or Industrial and Institutional (I&I) Product. “Institutional product or industrial and institutional (I&I) product” means a consumer product that is designed for use in the maintenance or operation of an establishment that:

- (a) manufactures, transports, or sells goods or commodities, or provides services for profit; or
- (b) is engaged in the nonprofit promotion of a particular public, educational, or charitable cause. “Establishments” include, but are not limited to, government agencies, factories, schools, hospitals, sanitariums, prisons, restaurants, hotels, stores, automobile service and parts centers, health clubs, theaters, or transportation companies. “Institutional Product” does not include household products and products that are incorporated into or used exclusively in the manufacture or construction of the goods or commodities at the site of the establishment.

(59) Laundry prewash. “Laundry prewash” means a product that is designed for application to a fabric prior to laundering and that supplements and contributes to the effectiveness of laundry detergents and/or provides specialized performance.

(60) Laundry starch product. “Laundry starch product” means a product that is designed for application to a fabric, either during or after laundering, to impart and prolong a crisp, fresh look and may also act to help ease ironing of the fabric. “Laundry Starch Product” includes, but is not limited to, fabric finish, sizing, and starch.

(61) Lawn and garden insecticide. “Lawn and garden insecticide” means an insecticide product designed primarily to be used in household lawn and garden areas to protect plants from insects or other arthropods.

(62) Medicated astringent /medicated toner. “Medicated astringent /medicated toner” means any product regulated as a drug by the FDA which is applied to the skin for the purpose of cleaning or tightening pores. “Medicated astringent/medicated toner” includes, but is not limited to, clarifiers and substrate-impregnated products. “Medicated astringent/medicated toner” does not include hand, face, or body cleaner or soap products, “astringent/toner,” cold cream, lotion, antiperspirants, or products that must be purchased with a doctor’s prescription.

(63) Metal polish /cleanser. “Metal polish /cleanser” means any product designed primarily to improve the appearance of finished metal, metallic, or metallized surfaces by physical or chemical action. To “improve the appearance” means to remove or reduce stains, impurities, or oxidation from surfaces or to make surfaces smooth and shiny. “Metal polish/cleanser” includes, but is not limited to, metal polishes used on brass, silver, chrome, copper, stainless steel and other ornamental metals. “Metal polish/cleanser” does not include “automotive wax, polish, sealant or glaze,” wheel cleaner, “paint remover or stripper,” products designed and labeled exclusively for automotive and marine detailing, or products designed for use in degreasing tanks.

(64) Mist spray adhesive. “Mist spray adhesive” means any aerosol which is not a special purpose spray adhesive and which delivers a particle or mist spray, resulting in the formation of fine, discrete particles that yield a generally uniform and smooth application of adhesive to the substrate.

(65) Multi-purpose dry lubricant. “Multi-purpose dry lubricant” means any lubricant which is:

- (a) designed and labeled to provide lubricity by depositing a thin film of graphite, molybdenum disulfide (“moly”), or polytetrafluoroethylene or closely related fluoropolymer (“teflon”) on surfaces, and
- (b) designed for general purpose lubrication, or for use in a wide variety of applications.

(66) Multi-purpose lubricant. “Multi-purpose lubricant” means any lubricant designed for general purpose lubrication, or for use in a wide variety of applications. “Multi-purpose lubricant” does not include “multi-purpose dry lubricants,” “penetrants,” or “silicone-based multi-purpose lubricants.”

(67) Multi-purpose solvent. “Multi-purpose solvent” means any organic liquid designed to be used for a variety of purposes, including cleaning or degreasing of a variety of substrates, or thinning, dispersing or dissolving other organic materials. “Multi-purpose solvent” includes solvents used in institutional facilities, except for laboratory reagents used in analytical, educational, research, scientific or other laboratories. “Multi-purpose solvent” does not include solvents used in cold cleaners, vapor degreasers, conveyORIZED degreasers or film cleaning machines, or solvents that are incorporated into, or used exclusively in the manufacture or construction of, the goods or commodities at the site of the establishment.

(68) Nail polish. “Nail polish” means any clear or colored coating designed for application to the fingernails or toenails and including but not limited to, lacquers, enamels, acrylics, base coats and top coats.

(69) Nail polish remover. “Nail polish remover” means a product designed to remove nail polish and coatings from fingernails or toenails.

(70) Non-aerosol product. “Non-aerosol product” means any consumer product that is not dispensed by a pressurized spray system.

(71) Non-selective terrestrial herbicide. “Non-selective terrestrial herbicide” means a terrestrial herbicide product that is toxic to plants without regard to species.

(72) Oven cleaner. “Oven cleaner” means any cleaning product designed to clean and to remove dried food deposits from oven walls.

(73) Paint. “Paint” means any pigmented liquid, liquifiable, or mastic composition designed for application to a substrate in a thin layer which is converted to an opaque solid film after application and is used for protection, decoration or identification, or to serve some functional purpose such as the filling or concealing of surface irregularities or the modification of light and heat radiation characteristics.

(74) Paint remover or stripper. “Paint remover or stripper” means any product designed to strip or remove paints or other related coatings, by chemical action, from a substrate without markedly affecting the substrate. “Paint Remover or Stripper” does not include “Multi-purpose Solvents,” paint brush cleaners, products designed and labeled exclusively to remove graffiti, and hand cleaner products that claim to remove paints and other related coatings from skin.

(75) Penetrant. “Penetrant” means a lubricant designed and labeled primarily to loosen metal parts that have bonded together due to rusting, oxidation, or other causes. “Penetrant” does not include “multi-purpose lubricants” that claim to have penetrating qualities, but are not labeled primarily to loosen bonded parts.

(76) Pesticide. “Pesticide” means and includes any substance or mixture of substances labeled, designed, or intended for use in preventing, destroying, repelling or mitigating any pest, or any substance or mixture of substances labeled, designed, or intended for use as a defoliant, desiccant, or plant regulator, provided that the term “pesticide” will not include any

substance, mixture of substances, or device which the United States Environmental Protection Agency does not consider to be a pesticide.

(77) Roll-on product. “Roll-on product” means any antiperspirant or deodorant that dispenses active ingredients by rolling a wetted ball or wetted cylinder on the affected area.

(78) Rubber and vinyl protectant. “Rubber and vinyl protectant” means any product designed to protect, preserve or renew vinyl, rubber, and plastic on vehicles, tires, luggage, furniture, and household products such as vinyl covers, clothing, and accessories. “Rubber and Vinyl Protectant” does not include products primarily designed to clean the wheel rim, such as aluminum or magnesium wheel cleaners, and tire cleaners that do not leave an appearance-enhancing or protective substance on the tire.

(79) Rubbing alcohol. “Rubbing alcohol” means any product containing isopropyl alcohol (also called isopropanol) or denatured ethanol and labeled for topical use, usually to decrease germs in minor cuts and scrapes, to relieve minor muscle aches, as a rubefacient, and for massage.

(80) Sealant and caulking compound. “Sealant and caulking compound” means any product with adhesive properties that is designed to fill, seal, waterproof, or weatherproof gaps or joints between two surfaces. “Sealant and caulking compound” does not include roof cements and roof sealants; insulating foams; removable caulking compounds; clear/paintable/water resistant caulking compounds; floor seam sealers; products designed exclusively for automotive uses; or sealers that are applied as continuous coatings. “Sealant and caulking compound” also does not include units of product, less packaging, which weigh more than one pound and consist of more than 16 fluid ounces. For the purposes of this definition only, “removable caulking compounds” means a compound which temporarily seals windows or doors for three to six month time intervals, and “clear/paintable/water resistant caulking compounds” means a compound which contains no appreciable level of opaque fillers or pigments; transmits most or all visible light through the caulk when cured; is paintable; and is immediately resistant to precipitation upon application.

(81) Shaving cream. “Shaving cream” means an aerosol product which dispenses a foam lather intended to be used with a blade or cartridge razor, or other wet-shaving system, in the removal of facial or other bodily hair.

(82) Silicone-based multi-purpose lubricant. “Silicone-based

multi-purpose lubricant” means any lubricant which is:

- (a) designed and labeled to provide lubricity primarily through the use of silicone compounds including, but not limited to, polydimethylsiloxane, and
- (b) designed and labeled for general purpose lubrication, or for use in a wide variety of applications. “Silicone-based multipurpose lubricant” does not include products designed and labeled exclusively to release manufactured products from molds.

(83) Single phase aerosol air freshener. “Single phase aerosol air freshener” means an aerosol air freshener with the liquid contents in a single homogeneous phase and which does not require that the product container be shaken before use.

(84) Special purpose spray adhesive. “Special purpose spray adhesive” means an aerosol adhesive that meets any of the following definitions:

- (a) *Mounting adhesive.* Means an aerosol adhesive designed to permanently mount photographs, artwork, and any other drawn or printed media to a backing (paper, board, cloth, etc.) without causing discoloration to the artwork.
- (b) *Flexible vinyl adhesive.* Means an aerosol adhesive designed to bond flexible vinyl to substrates. Flexible vinyl means a nonrigid polyvinyl chloride plastic with at least five percent, by weight, of plasticizer content. A plasticizer is a material, such as a high boiling point organic solvent, that is incorporated into a plastic to increase its flexibility, workability, or distensibility, and may be determined using ASTM Method E260-96, Standard Practice for Packed Column Gas Chromatography (reapproved 2001), incorporated by reference herein, or from product formulation data.
- (c) *Polystyrene Foam Adhesive.* Means an aerosol adhesive designed to bond polystyrene foam to substrates.
- (d) *Automobile Headliner Adhesive.* Means an aerosol adhesive designed to bond together layers in motor vehicle headliners.
- (e) *Polyolefin Adhesive.* Means an aerosol adhesive designed to bond polyolefins to substrates.
- (f) *Laminate Repair/Edgebanding Adhesive.* Means an aerosol adhesive designed for: (a) The touch-up or repair of items laminated with high pressure laminates (e.g., lifted edges, delaminates, etc.); or for (b) the touch-up, repair, or attachment of edgebanding materials, including but not limited to, other laminates, synthetic marble, veneers, wood molding, and decorative metals. For the purposes of this definition “high pressure laminate” means sheet materials which consist of paper, fabric, or other core material that have been laminated at temperatures

exceeding 265 degrees F, and at pressures between 1,000 and 1,400 psi.

(g) *Automotive Engine Compartment Adhesive*. Means an aerosol adhesive designed for use in motor vehicle under-the-hood applications which require oil and plasticizer resistance, as well as high shear strength, at temperatures of 200 - 275 degrees F.

(85) Spot remover. “Spot remover” means any product designed to clean localized areas, or remove localized spots or stains on cloth or fabric such as drapes, carpets, upholstery, and clothing, that does not require subsequent laundering to achieve stain removal. “Spot remover” does not include “dry cleaning fluid,” “laundry prewash,” “carpet and upholstery cleaner,” or “multi-purpose solvent.”

(86) Spray buff product. “Spray buff product” means a product designed to restore a worn floor finish in conjunction with a floor buffing machine and special pad.

(87) Stick product. “Stick product” means any antiperspirant or deodorant that contains active ingredients in a solid matrix form, and that dispenses the active ingredients by frictional action on the affected area.

(88) Structural waterproof adhesive. “Structural waterproof adhesive” means an adhesive whose bond lines are resistant to conditions of continuous immersion in fresh or salt water, and that conforms with Federal Specification MMM-A-181D (Type 1, Grade A). This definition is as per the Federal Consumer Products Regulation 40 CFR Part 59, *National Volatile Organic Compound Emission Standards for Consumer and Commercial Products*, Subpart C (63 FR 48831, September 11, 1998), incorporated by reference herein.

(89) Terrestrial. “Terrestrial” means to live on or grow from land.

(90) Tire sealant and inflation. “Tire sealant and inflation” means any pressurized product that is designed to temporarily inflate and seal a leaking tire.

(91) Type A propellant. “Type A propellant” means a compressed gas such as CO₂, N₂, N₂O, or compressed air which is used as a propellant, and is either incorporated with the product or contained in a separate chamber within the product's packaging.

(92) Type B propellant. “Type B propellant” means any halocarbon

which is used as a propellant including chlorofluorocarbons (CFCs), hydrochlorofluorocarbons (HCFCs), and hydrofluorocarbons (HFCs).

(93) Type C propellant. “Type C propellant” means any propellant which is not a Type A or Type B propellant, including propane, isobutane, n-butane, and dimethyl ether (also known as dimethyl oxide).

(94) Undercoating. “Undercoating” means any aerosol product designed to impart a protective, nonpaint layer to the undercarriage, trunk interior, and/or firewall of motor vehicles to prevent the formation of rust or to deaden sound. “Undercoating” includes, but is not limited to, rubberized, mastic, or asphaltic products.

(95) Wasp and hornet insecticide. “Wasp and hornet insecticide” means any insecticide product that is designed for use against wasps, hornets, yellow jackets or bees by allowing the user to spray from a distance a directed stream or burst at the intended insects, or their hiding place.

(96) Waterproofer. “Waterproofer” means a product designed and labeled exclusively to repel water from fabric or leather substrates. “Waterproofer” does not include “Fabric Protectants.”

(97) Wax. “Wax” means a material or synthetic thermoplastic substance generally of high molecular weight hydrocarbons or high molecular weight esters of fatty acids or alcohols, except glycerol and high polymers (plastics). “Wax” includes, but is not limited to, substances derived from the secretions of plants and animals such as carnauba wax and beeswax, substances of a mineral origin such as ozocerite and paraffin, and synthetic polymers such as polyethylene.

(98) Web spray adhesive. “Web spray adhesive” means any aerosol adhesive which is not a mist spray or special purpose spray adhesive.

(99) Wood floor wax. “Wood floor wax” means wax-based products for use solely on wood floors.

3. Standards.

A. Except as provided in Sections 4 (Exemptions), 5 (Innovative Products), 8 (Variances), and 11 (Alternative Control Plan) of this Chapter, no person in the State of Maine shall sell, supply for sale in Maine, offer for sale, or manufacture

any consumer product manufactured on or after May 1, 2005 which contains volatile organic compounds in excess of the limits specified in the following Table of Standards:

Table of Standards

Effective Date: May 1, 2005

| Product Category | percent volatile organic compounds by weight |
|---|---|
| Adhesives | |
| Aerosol: | |
| Mist Spray | 65 |
| Web Spray | 55 |
| Special Purpose Spray Adhesives: | |
| Mounting; Automotive Engine Compartment; Flexible Vinyl | 70 |
| Polystyrene Foam and Automotive Headliner | 65 |
| Polyolefin and Laminate Repair/Edgebanding | 60 |
| Contact | 80 |
| Construction, Panel, Floor Covering | 15 |
| General Purpose | 10 |
| Structural Waterproof | 15 |
| Air fresheners | |
| Single-Phase Aerosols | 30 |
| Double-Phase Aerosols | 25 |
| Liquids/Pump Sprays | 18 |
| Solids/gels | 3 |
| Antiperspirants | |
| Aerosol | 40 HVOC 10 MVOC |
| Non-Aerosol | 0 HVOC 0 MVOC |
| Automotive Brake Cleaners | 45 |
| Automotive Rubbing or Polishing Compound | 17 |
| Automotive Wax, Polish, Sealant or Glaze | |
| Hard Paste Waxes | 45 |
| Instant Detailers | 3 |
| All Other Forms | 15 |
| Automotive Windshield Washer Fluids | 35 |
| Bathroom and Tile Cleaners | |
| Aerosols | 7 |
| All Other Forms | 5 |

| Product Category | percent volatile organic compounds by weight |
|--|---|
| Bug and Tar Remover | 40 |
| Carburetor or Fuel-injection Air Intake Cleaners | 45 |
| Carpet and Upholstery Cleaners Aerosols Non-Aerosols (Dilutables) Non-Aerosols (Ready-to-Use) | 7 0.1 3.0 |
| Charcoal Lighter Material | See 3(E) |
| Cooking Spray Aerosols | 18 |
| Deodorants Aerosol Non-Aerosol | 0 HVOC 10 MVOC 0 HVOC 0 MVOC |
| Dusting Aids Aerosols All Other Forms | 25 7 |
| Engine Degreasers Aerosols Non-Aerosols | 35 5 |
| Fabric Protectants | 60 |
| Floor Polishes/ Waxes Products for Flexible Flooring Materials Products for Nonresilient Flooring Wood Floor Wax | 7 10 90 |
| Floor Wax Strippers Non-Aerosol | See 3(G) |
| Furniture Maintenance Products Aerosols All other Forms Except Solid or Paste | 17 7 |
| General Purpose Cleaners Aerosols Non-Aerosols | 10 4 |
| General Purpose Degreasers Aerosols Non-Aerosols | 50 4 |

| Product Category | percent volatile organic compounds by weight |
|--|---|
| Glass Cleaners Aerosols Non-Aerosols | 12 4 |
| Hair Mousses | 6 |
| Hair Shines | 55 |
| Hairsprays | 55 |
| Hair Styling Gels | 6 |
| Heavy-Duty Hand Cleaner or Soap | 8 |
| Insecticides Crawling Bug (Aerosol) Crawling Bug (all other forms) Flea and Tick Flying Bug (Aerosol) Flying Bug (all other forms) Foggers Lawn and Garden (all other forms) Lawn and Garden (Non-Aerosol) Wasp and Hornet | 15 20 25 25 35 45 20 3 40 |
| Laundry Prewash Aerosol / Solids All Other Forms | 22 5 |
| Laundry Starch Products | 5 |
| Metal polishes/ Cleansers | 30 |
| Multi-Purpose Lubricant (Excluding Solid or Semi-Solid Products) | 50 |
| Nail Polish Remover | 75 |
| Non-Selective Terrestrial Herbicide Non-Aerosols | 3 |
| Oven cleaners Aerosols/ Pump Sprays Liquids | 8 5 |
| Paint Remover or Stripper | 50 |
| Penetrants | 50 |
| Rubber and Vinyl Protectants Non-Aerosols Aerosols | 3 10 |

| Product Category | percent volatile organic compounds by weight |
|--|---|
| Sealants and Caulking Compounds | 4 |
| Shaving Creams | 5 |
| Silicone-Based Multi-Purpose Lubricants (Excluding Solid or Semi-Solid Products) | 60 |
| Spot Removers Aerosols Non-Aerosols | 25 8 |
| Tire Sealants and Inflators | 20 |
| Undercoatings Aerosols | 40 |

B. After May 1, 2005, no person in the State of Maine shall sell, supply for sale in Maine, offer for sale, or manufacture any antiperspirant or deodorant which contains any compound that has been identified as a toxic air contaminant by the CARB in Title 17, California Code of Regulations, Division 3, Chapter 1, Subchapter 7, Section 93000, Toxic Air Contaminants, amended July 21, 1999, incorporated by reference herein.

C. Products that are diluted prior to use.

(1) For consumer products for which the label, packaging, or accompanying literature specifically states that the product should be diluted with water or non-VOC solvent prior to use, the limits specified in the Table of Standards shall apply to the product only after the minimum recommended dilution has taken place. For purposes of this subsection, “minimum recommended dilution” shall not include recommendations for incidental use of a concentrated product to deal with limited special applications such as hard-to-remove soils or stains.

(2) For consumer products for which the label, packaging, or accompanying literature states that the product should be diluted with any VOC solvent prior to use, the limits specified in the Table of Standards shall apply to the product only after the maximum recommended dilution has taken place.

D. Products registered under FIFRA. For those consumer products that are registered under the Federal Insecticide, Fungicide, and Rodenticide Act, (FIFRA;

7 U.S.C. Section 136-136y), the effective date of the VOC standards specified in Table of Standards is May 1, 2006.

E. Requirements for charcoal lighter materials. The following requirements shall apply to all charcoal lighter material products as defined in Section 2(B)(21) of this Chapter.

(1) No person shall sell, supply, manufacture or offer for sale after May 1, 2005 any charcoal lighter material product unless at the time of the transaction the manufacturer can demonstrate that they have been issued a currently effective certification by the CARB under the Consumer Products provisions under Title 17, California Code of Regulations Section 94509(h). This certification remains in effect for as long as the CARB certification remains in effect. Any manufacturer claiming such a certification on this basis must submit to the Department a copy of the certification decision (i.e., the Executive Order), including all conditions established by CARB applicable to the certification.

(2) The Department may, at any time, request a manufacturer to submit information concerning the charcoal lighter material manufactured for use in the State of Maine. The manufacturer shall respond within 30 days, in writing, and shall include, at a minimum, the following:

(a) the results of testing conducted pursuant to the procedures specified in South Coast Air Quality Management District Rule 1174, *Control of Volatile Organic Compound Emissions from the Ignition of Barbecue Charcoal*, adopted October 5, 1990 (SCAQMD Rule 1174), incorporated by reference herein.

(b) the exact text and/or graphics that will appear on the charcoal lighter material's principal display panel, label, and any accompanying literature. The provided material shall clearly show the usage directions for the product. These directions shall accurately reflect the quantity of charcoal lighter material per pound of charcoal that was used in the SCAQMD Rule 1174 Testing Protocol, incorporated by reference in Section 3(E)(2)(a) of this regulation, for that product, unless:

(i) the charcoal lighter material is intended to be used in fixed amounts independent of the amount of charcoal used, such as certain paraffin cubes, or

(ii) the charcoal lighter material is already incorporated

into the charcoal, such as certain “bag light,” “instant light” or “match light” products.

(c) For a charcoal lighter material which meets the criteria specified in Section 3(E)(2)(a)(i) of this chapter, the usage instructions provided to the State of Maine shall accurately reflect the quantity of charcoal lighter material used in the SCAQMD Rule 1174 Testing Protocol, incorporated by reference in Section 3(E)(2)(a) of this regulation, for that product.

(d) Any physical property data, formulation data, or other information required by the Department for use in determining when a product modification has occurred.

(e) Possession of a currently effective certification by the CARB under the Consumer Products provisions of Title 17, California Code of Regulations, Division 3, Chapter 1, Subchapter 8.5, Consumer Products, Article 2, Section 94509(h), or from a state with a similar certification procedure, should be noted and a copy of the applicable certification decision (i.e., the Executive Order) should be included.

F. Requirements for aerosol adhesives.

(1) The following requirements for aerosol adhesives shall apply:

(a) In order to qualify as a “Special Purpose Spray Adhesive” the product must meet one or more of the definitions specified in Section 2(B)(83) of this Chapter, but if the product label indicates that the product is suitable for use on any substrate or application not listed in Section 2(B)(83), then the product shall be classified as either a “Web Spray Adhesive” or a “Mist Spray Adhesive.”

(b) If a product meets more than one of the definitions specified in Section 2(B)(83) of this chapter for “Special Purpose Spray Adhesive,” and is not classified as a “Web Spray Adhesive” or “Mist Spray Adhesive” under Section 3(F)(1)(a) of this Chapter, then the VOC limit for the product shall be the lowest applicable VOC limit specified in Section 3(A).

(2) Effective May 1, 2005, no person shall sell, supply, offer for sale, or manufacture for use in Maine any aerosol adhesive which contains any of the following compounds: methylene chloride, perchloroethylene, or

trichloroethylene.

(3) All aerosol adhesives must comply with the labeling requirements specified in Section 6(D).

G. Requirements for Floor Wax Strippers. No person in the State of Maine shall sell, supply for use in Maine, offer for sale, or manufacture any floor wax stripper on or after May 1, 2005, unless the following requirements are met:

(1) The label of each non-aerosol floor wax stripper must specify a dilution ratio for light or medium build-up of polish that results in an as-used VOC concentration of 3 percent by weight or less.

(2) If a non-aerosol floor wax stripper is also intended to be used for removal of heavy build-up of polish, the label of that floor wax stripper must specify a dilution ratio for heavy build-up of polish that results in an as-used VOC concentration of 12 percent by weight or less.

(3) The terms “light build-up,” “medium build-up,” or “heavy build-up” are not specifically required, as long as comparable terminology is used.

H. Products containing ozone-depleting compounds. For any consumer product for which standards are specified under Section 3(A), no person in the State of Maine shall sell, supply for sale in Maine, offer for sale, or manufacture any consumer product on or after May 1, 2005, which contains any of the following ozone-depleting compounds:

CFC-11 (trichlorofluoromethane), CFC-12 (dichlorodifluoromethane),
CFC-113 (1,1,1-trichloro-2,2,2-trifluoroethane),
CFC-114 (1-chloro-1,1-difluoro-2-chloro-2,2-difluoroethane),
CFC-115 (chloropentafluoroethane), halon 1211 (bromochlorodifluoromethane),
halon 1301 (bromotrifluoromethane), halon 2402 (dibromotetrafluoroethane),
HCFC-22 (chlorodifluoromethane), HCFC-123 (2,2-dichloro-1,1,1-trifluoroethane),
HCFC-124 (2-chloro-1,1,1,2-tetrafluoroethane),
HCFC-141b (1,1-dichloro-1-fluoroethane),
HCFC-142b (1-chloro-1,1-difluoroethane),
1,1,1-trichloroethane, or
carbon tetrachloride.

I. The requirements of Section 3(H) shall not apply to any existing product formulation that complies with the Table of Standards or any existing product formulation that is reformulated to meet the Table of Standards, provided the ozone depleting compound content of the reformulated product does not increase.

J. The requirements of Section 3(H) shall not apply to any ozone depleting compounds that may be present as impurities in a consumer product in an amount equal to or less than 0.01% by weight of the product.

4. Exemptions.

A. The provisions of this regulation shall not apply to a distributor who sells, supplies, or offers for sale in Maine a consumer product that does not comply with the VOC standards specified in Section 3(A), as long as the consumer product is not distributed by any person to retail outlets in Maine.

B. The medium volatility organic compound (MVOC) content standards specified in Section 3(A) for antiperspirants or deodorants, shall not apply to ethanol.

C. The VOC limits specified in Section 3(A) shall not apply to fragrances up to a combined level of 2 percent by weight contained in any consumer product and shall not apply to colorants up to a combined level of 2 percent by weight contained in any antiperspirant or deodorant.

D. The requirements of Section 3(A) for antiperspirants or deodorants shall not apply to those volatile organic compounds that contain more than 10 carbon atoms per molecule and for which the vapor pressure is unknown, or that have a vapor pressure of 2 mm Hg or less at 20°C.

E. The VOC limits specified in Section 3(A) shall not apply to any LVP-VOC.

F. The requirements of Section 6(A) shall not apply to consumer products registered under the Federal Insecticide, Fungicide, and Rodenticide Act, (FIFRA; 7 U.S.C. Section 136/136y).

G. The VOC limits specified in Section 3(A) shall not apply to air fresheners that are comprised entirely of fragrance, less compounds not defined as VOCs in Chapter 100 of the Department's regulations.

H. The VOC limits specified in Section 3(A) shall not apply to air fresheners and insecticides containing at least 98% paradichlorobenzene.

I. The VOC limits specified in Section 3(A) shall not apply to adhesives sold in containers of one (1) fluid ounce or less.

J. The VOC limits specified in Section 3(A) shall not apply to bait station

insecticides. For the purpose of this section, bait station insecticides are containers enclosing an insecticidal bait that is not more than 0.5 ounce by weight, where the bait is designed to be ingested by insects and is composed of solid material feeding stimulants with less than 5 percent (%) active ingredients.

5. Innovative Products.

A. Any manufacturer of a consumer product which has been granted an Innovative Product Exemption by the CARB under the Innovative Products provisions in Title 17 California Code of Regulations, Subchapter 8.5, Article 2, Section 94511, or Subchapter 8.5, Article 1, Section 94503.5, or from another state with a similar exemption procedure, due to some characteristic of the product formulation, design, delivery systems or other factors that result in less VOC emissions than the standard established in Section 3(A) of this Chapter shall be, for that product, exempt from the table of standards in Section 3(A) for the period of time that the exemption remains in effect. An Innovative Products Exemption is only effective in Maine if EPA has approved the exemption in Maine's State Implementation Plan.

B. Any manufacturer that has been granted an innovative products exemption pursuant to 5(A) must submit to the Department a copy of the exemption decision, including all conditions applicable to the exemption.

NOTE: Manufacturers who submit information to the Department under this Chapter should mark those documents as "claimed confidential" if they believe the documents should be exempt from disclosure under Maine's Freedom of Access Law, 1 M.R.S.A. § 401 et seq. Such documents will be handled in accordance with Departmental policies governing records that may contain confidential information, SOP Number OC PE 0006, and applicable law.

6. Administrative Requirements.

A. Date-Coding. Each manufacturer of a consumer product subject to Section 3 of this regulation shall clearly display on each consumer product container or package the day, month, and year on which the product was manufactured, or a code indicating such date. The date or date-code information shall be located on the container or inside the cover/cap so that it is readily observable or obtainable (by simply removing the cap/cover) without disassembling any part of the container or packaging. This date or date-code shall be displayed on each

consumer product container or package no later than the effective date of the applicable standard specified in Section 3(A). No person shall erase, alter, deface or otherwise remove or make illegible any date or date-code from any regulated product container. The requirements of this provision shall not apply to products containing no VOCs (as defined in Chapter 100 of the Department's regulations), or containing VOCs at 0.10% by weight or less.

B. If a manufacturer uses a code indicating the date of manufacture for any consumer product subject to Section 3, an explanation of the date-code must be filed with the Department no later than May 1, 2005.

NOTE: Manufacturers who submit information to the Department under this Chapter should mark those documents as "claimed confidential" if they believe the documents should be exempt from disclosure under Maine's Freedom of Access Law, 1 M.R.S.A. § 401 et seq. Such documents will be handled in accordance with Departmental policies governing records that may contain confidential information, SOP Number OC PE 0006, and applicable law.

C. Most Restrictive Limit. Notwithstanding the definition of "product category" in Section 2(A)(31) of this Chapter, if anywhere on the principal display panel of any consumer product, any representation is made that the product may be used as, or is suitable for use as a consumer product for which a lower VOC limit is specified in Section 3(A), then the lowest VOC limit shall apply. This requirement does not apply to general purpose cleaners and antiperspirant/deodorant products.

D. Additional Labeling Requirements for Aerosol Adhesives.

(1) In addition to the requirements specified in Sections 6(A), 6(C) and 7, both the manufacturer and responsible party for each aerosol adhesive product subject to this regulation shall ensure that all products clearly display the following information on each product container which is manufactured on or after May 1, 2005.

- (a) The aerosol adhesive category as specified in section 3(A) or an abbreviation of the category shall be displayed;
- (b)
 - (i) The applicable VOC standard for the product that is specified in Section 3(A), expressed as a percentage by weight, shall be displayed unless the product is included in an alternative control plan approved by the Department, as

provided in Section 11, and the product exceeds the applicable VOC content limit;

(ii) If the product is included in an alternative control plan approved by the Department, and the product exceeds the applicable VOC standard specified in Section 3(A), the product shall be labeled with the term “ACP” or “ACP product”;

(c) If the product is classified as a special purpose spray adhesive, the applicable substrate and /or application or an abbreviation of the substrate/application that qualifies the product as special purpose shall be displayed;

(d) If the manufacturer or responsible party uses an abbreviation as allowed by this Subsection 6(D), an explanation of the abbreviation must be filed with the Department before the abbreviation is used.

(2) The information required in Section 6(A)(1) shall be displayed on the product container such that it is readily observable without removing or disassembling any portion of the product container or packaging. For the purposes of this subsection, information may be displayed on the bottom of a container as long as it is clearly legible without removing any product packaging.

(3) No person shall remove, alter, conceal, or deface the information required in Section 6(D)(1) prior to final sale of the product.

7. Reporting Requirements.

A. Upon 90 days written notice, the Department may require any responsible party to report the following information for any consumer product:

(1) the name of the responsible party and the party's address, telephone number, and designated contact person;

(2) the product brand name for each consumer product subject to regulation under Section 3 of this Chapter and, upon request by the Department, the product label;

(3) the product category to which the consumer product belongs;

- (4) the applicable product form(s) listed separately;
- (5) an identification of each product brand name and form as a “Household Product” “Industrial and Institutional (I&I) Product,” or both;
- (6) separate Maine sales in pounds per year, to the nearest pound, and the method used to calculate Maine sales for each product form;
- (7) for information submitted by two companies, an identification of the company which is submitting relevant data separate from that submitted by the responsible party;
- (8) for each product brand name and form, the net percent by weight of the total product, less container and packaging, comprised of the following, rounded to the nearest one-tenth of a percent (0.1%):
 - (a) total exempt compounds;
 - (b) total LVP-VOCs that are not fragrances;
 - (c) total all other carbon-containing compounds that are not fragrances;
 - (d) total all non-carbon-containing compounds;
 - (e) total fragrance;
 - (f) for products containing greater than two percent by weight fragrance:
 - (i) the percent of fragrance that are LVP-VOCs;
 - (ii) the percent of fragrance that are all other carbon-containing compounds; and
 - (g) total paradichlorobenzene.
- (9) for each product brand name and form, the identity, including the specific chemical name and associated Chemical Abstract Services (CAS) number, of the following:
 - (a) each exempt compound; and

(b) each LVP-VOC that is not a fragrance

(10) if applicable, the weight percent comprised of propellant for each product;

(11) if applicable, an identification of the type of propellant (Type A, Type B, Type C, or a blend of the different types).

B. In addition to the requirements of Section 7(A)(10), the Department may require the responsible party to report or arrange to have reported to the Department the net percent by weight of each ozone-depleting compound which is:

(1) listed in Section 3(H); and

(2) contained in a product subject to regulation under Section 3 of this Chapter in any amount greater than 0.1 percent by weight.

NOTE: Manufacturers who submit information to the Department under this Chapter should mark those documents as “claimed confidential” if they believe the documents should be exempt from disclosure under Maine’s Freedom of Access Law, 1 M.R.S.A. § 401 et seq. Such documents will be handled in accordance with Departmental policies governing records that may contain confidential information, SOP Number OC PE 0006, and applicable law.

- 8. Variances.** Any person who has been granted a variance by the CARB under the provisions in Title 17 California Code of Regulations Subchapter 8.5, Article 4, Sections 94540-94555, or another state with a similar variance procedure shall be, for the products included in the variance, exempt from the table of standards in Section 3(A) for the period of time that the variance remains in effect. Any person claiming a variance on this basis must submit to the Department a copy of the variance decision, including all conditions applicable to the variance. A variance is only effective in Maine if EPA has approved the exemption in Maine’s State Implementation Plan.

NOTE: Manufacturers who submit information to the Department under this Chapter should mark those documents as “claimed confidential” if they believe the documents should be exempt from disclosure under Maine’s Freedom of Access Law, 1 M.R.S.A. § 401 et seq. Such documents will be handled in accordance with Departmental policies

governing records that may contain confidential information, SOP Number OC PE 0006, and applicable law.

9. Test Methods.

A. Testing to determine compliance with the requirements of this Chapter shall be performed by one of the following:

(1) Using CARB Method 310, “*Determination of Volatile Organic Compounds (VOC) in Consumer Products and Reactive Organic Compounds in Aerosol Coating Products*,” adopted September 25, 1997, and as last amended on July 18, 2001, incorporated by reference herein.

(2) Alternative methods which are shown to accurately determine the concentration of VOCs in a subject product or its emissions may be used upon approval of the Department and EPA.

(3) Calculation of the VOC content from records of the amounts of constituents used to make the product under the following criteria:

(a) Compliance determinations based on these records may not be used unless the manufacturer of a consumer product keeps accurate records for each day of production of the amount and chemical composition of the individual product constituents. These records must be kept for at least three years and made available to the Department and EPA on request.

NOTE: Manufacturers who submit information to the Department under this Chapter should mark those documents as “claimed confidential” if they believe the documents should be exempt from disclosure under Maine’s Freedom of Access Law, 1 M.R.S.A. § 401 et seq. Such documents will be handled in accordance with Departmental policies governing records that may contain confidential information, SOP Number OC PE 0006, and applicable law.

(b) For the purposes of this section, the VOC content (expressed as a percentage) shall be calculated according to the following equation:

$$VOC\ Content = \frac{(B-C) \times 100}{A}$$

where,

A = total net weight of unit (excluding container and packaging)

B = total weight of all VOCs, as defined in Chapter 100 of the Department's regulations, per unit

C = total weight of VOCs exempted under Section 4, per unit

(c) If product records appear to demonstrate compliance with the VOC limits, but these records are contradicted by product testing performed using CARB Method 310, incorporated by reference in Section 9(A)(1) of this regulation, the results of CARB Method 310 shall take precedence over the product records and may be used to establish a violation of the requirements of this regulation.

B. Testing to determine whether a product is a liquid or solid shall be performed using ASTM D4359-90 (2000) *Standard Test Method for Determining Whether a Material is a Liquid or a Solid* (May 25, 1990), which is incorporated by reference herein.

C. Compliance determinations for charcoal lighter material products. Testing to determine compliance with the certification requirements for charcoal lighter material shall be performed using the procedures specified in the SCAQMD Rule 1174 Testing Protocol, incorporated by reference in Section 3(E)(2)(a) of this regulation.

D. Testing to determine distillation points of petroleum distillate-based charcoal lighter materials shall be performed using ASTM D86-04b, *Standard Test Method for Distillation of Petroleum Products at Atmospheric Pressure* (2004), incorporated by reference herein.

E. No person shall create, alter, falsify, or otherwise modify records in such a way that the records do not accurately reflect the constituents used to manufacture a product, the chemical composition of the individual product, and any other test, processes, or records used in connection with product manufacture.

F. Test Method Availability.

(1) CARB Method 310 is available on the web at:

<http://www.arb.ca.gov/testmeth/cptm/cptm.htm> .

(2) ASTM methods can be purchased from American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, West Conshohocken, Pennsylvania 19428- 2959. Telephone (610) 832-9585. Fax (610) 832-9555. www.astm.org .

(3) SCAQMD methods can be purchased from South Coast Air Quality Management District, 21865 East Copley Drive, Diamond Bar, California 91765-0934. Telephone (909) 396-2162. www.aqmd.gov.

10. **Severability.** Each part of this regulation shall be deemed severable, and in the event that any part of this regulation is held to be invalid, the remainder of this regulation shall continue in full force and effect.
11. **Alternative Control Plan (ACP) for Consumer Products.** The purpose of this section is to provide an alternative method to comply with the Table of Standards specified in Section 3(A). This alternative is provided by allowing responsible ACP parties the option of voluntarily entering into separate “alternative control plans” for consumer products, as specified in Sections 1 through 11 of this regulation. Only responsible ACP parties for consumer products may enter into an ACP.
 - A. Any manufacturer of consumer products which has been granted an ACP Agreement by the CARB under the provisions in of Title 17, California Code of Regulations Subchapter 8.5, Article 4, Sections 94540-94555, or another state with a similar ACP Agreement procedure shall be, for the products included in the ACP Agreement, exempt from the table of standards in Section 3(A) for the period of time that the ACP Agreement remains in effect. Any manufacturer claiming such an ACP Agreement on this basis must submit to the Department a copy of the ACP decision, including all conditions applicable to the exemption. An ACP Agreement shall be effective in Maine only if EPA has approved the agreement in Maine’s State Implementation Plan.
 - B. A responsible ACP party may transfer an ACP to another responsible ACP party, provided that all of the following conditions are met:
 - (1) The Department shall be notified, in writing, by both responsible ACP parties participating in the transfer of the ACP and its associated ACP agreement. The written notifications shall be postmarked at least five (5) working days prior to the effective date of the transfer and shall be signed and submitted separately by both responsible parties. The written notifications shall clearly identify the contact persons, business names, mail and street addresses and phone numbers of the responsible parties involved in the transfer.
 - (2) The responsible ACP party to which the ACP is being transferred shall provide a written declaration stating that the transferee shall fully comply

with all requirements of the ACP Agreement approving the ACP and this regulation.

12. **Compliance Schedule.** Unless otherwise noted, any person subject to the requirements of this Chapter shall be in compliance with all of the applicable provisions of this Chapter upon the effective date of the regulation.
13. **Department Address.** Use the following address to send all correspondence to the Department, including information pertaining to Innovative Products exemptions, Variances, Alternative Control Plans, charcoal lighter product data, testing and certification, date-code explanations and any information the Department requests pursuant to Section 7 of this regulation.

Maine Department of Environmental Protection, Bureau of Air Quality
17 State House Station
Augusta, ME 04333

AUTHORITY: 38 M.R.S.A., Section 585-A

EFFECTIVE DATE: September 1, 2004

BASIS STATEMENT

This rule reduces volatile organic compound (VOC) emissions from consumer products by setting VOC content limits on 80 different types of consumer products. VOCs react with nitrogen oxides in the presence of sunlight to form ozone, which is responsible for exacerbating a variety of respiratory ailments and may result in permanent lung damage. Consumer products account for approximately 12 tons of VOC emissions per day in Maine.

In addition to the Basis Statement above, the Department has filed with the Secretary of State response to representative comments received during the comment period.